

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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RONALD P. PASSATEMPO, TRUSTEE,	)	
On behalf of the Samuel Pietropaolo	)	
Irrevocable Trust, SAMUEL PIETROPAOLO,	)	
GRANTOR to the Samuel Pietropaolo	)	
Irrevocable Trust, and PATRICIA D.	)	
PIETROPAOLO, BENEFICIARY of the	)	
Samuel Pietropaolo Irrevocable Trust,	)	
	)	
Plaintiffs,	)	Civil Action No.
	)	05-10118-GAO
v.	)	
	)	
FREDERICK V. McMENIMEN III, BARRY	)	
G. ARMSTRONG, NEW ENGLAND	)	
ADVISORY GROUP, LLC, 1717 CAPITAL	)	
MANAGEMENT COMPANY, NATIONWIDE)	)	
PROVIDENT (f/k/a Provident Mutual Life	)	
Insurance Company), and NATIONWIDE	)	
FINANCIAL SERVICES, INC.,	)	
	)	
Defendants.	)	
	)	

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**ASSENTED TO MOTION FOR ENLARGEMENT OF TIME TO OPPOSE  
DEFENDANT FREDERICK V. McMENIMEN III'S MOTION TO DISMISS**

Plaintiffs Ronald P. Passatempo, Samuel Pietropaolo and Patricia D. Pietropaolo (“Plaintiffs”), with the assent of Defendant Frederick V. McMenimen III (“Mr. McMenimen”), respectfully move this Honorable Court for a fourteen day enlargement of the period of time for filing their opposition to Mr. McMenimen’s Motion To Dismiss First Amended Complaint. As grounds therefore, Plaintiffs state:

1. Mr. McMenimen filed his Motion to Dismiss and supporting Memorandum on February 16, 2005.

2. Pursuant to Local Rule 7.1(B)(2), Plaintiffs' opposition to Mr. McMenimen's Motion to Dismiss is due within fourteen days of filing, *i.e.*, by March 2, 2005.

3. Since January 19, 2005, Plaintiffs' counsel Howard M. Cooper, Esq. ("Mr. Cooper") has been handling a state civil trial in Suffolk County District Court captioned Murphy v. Boston Herald, Inc., et al. (Civil Action No. 02-2424B), which trial is still ongoing.

4. The additional fourteen days requested by the instant Motion will allow Mr. Cooper to devote sufficient attention to Plaintiffs' opposition to Mr. McMenimen's Motion to Dismiss prior to the filing thereof.

5. Mr. McMenimen, through his counsel, assents to this Motion.  
WHEREFORE, Plaintiffs Ronald P. Passatempo, Samuel Pietropaolo and Patricia D. Pietropaolo respectfully move this Honorable Court for a fourteen day enlargement of the time for filing their opposition to Defendant Frederick V. McMenimen's Motion to Dismiss First Amended Complaint.

Respectfully submitted,

Plaintiffs RONALD P. PASSATEMPO,  
TRUSTEE, On behalf of the Samuel  
Pietropaolo Irrevocable Trust, SAMUEL  
PIETROPAOLO, GRANTOR to the Samuel  
Pietropaolo Irrevocable Trust, and  
PATRICIA D. PIETROPAOLO,  
BENEFICIARY of the Samuel Pietropaolo  
Irrevocable Trust,

By their counsel:

/s/  
Howard M. Cooper (BBO # 543842)  
David M. Burkoff (BBO # 657447)  
Todd & Weld LLP  
28 State Street  
Boston, MA 02109  
(617) 720-2626

Dated: February 17, 2005

Assented to:

Defendant Frederick V. McMenimen, III

By his counsel:

/s/  
William P. Corbett, Jr. (BBO # 561201)  
The Corbett Law Firm, P.C.  
85 Exchange Street, Suite 326  
Lynn, MA 01901  
(781) 596-9300

Local Rule 7.1(A)(2) Certification

I hereby certify that I have conferred with counsel for Defendant Frederick V. McMenimen, III in a good faith attempt to resolve or narrow the issues presented herein.

/s/  
David M. Burkoff